IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 8560 of 2005

Between:

Smt. K. Sivaleelavathi, W/o. K. Srinivasa Reddy,
R/o. Kurnool, Kurnool District.

..... PETITIONER

AND

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1 The Prohibition and Excise, Superintendent, Kurnool.
2 The Commissioner of Prohibition and Excise, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction mostly one which is in the nature of writ of MANDAMUS declaring the in action of the 2nd respondent in granting extension of time for payment of the license fee by the petitioner and issue of license and the consequential renewal by the 1st respondent for M/s. Trivikram Bar & Restaurant, D.No. 1/ 56, Main Bazar (pula Bazar) kurnool in pursuance of the permission accorded in Cr.No. 21291/2004/CPE/LG4 dated 30-12-2004 as arbitrary, unjustified, unreasonable, unwarranted, unconstitutional and unsustainable and direct the respondents to forthwith accept the license fee from the petitioner for the excise year 2005-2006 and allow the carrying of business by the petitioner under the name and style of M/s. Trivikram Bar & Restaurant, Kurnool.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondent: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following :

ORDER:

The petitioner submitted an application to the first respondent for grant of IL-17 (Bar) Licence under the name and style of M/s.Trivikram Bar and Restaurant at premises bearing 1-56, Pula Bazar, Kurnool, in the month of November, 2004. After consideration of the proposals submitted by the first respondent, and more so on the basis of the recommendation of the Deputy Commissioner of Prohibition and Excise,

the Commissioner of Prohibition, the second respondent herein accorded permission for issuance of IL-17 licence to the petitioner for the year 2004-2005 under the name and style of M/s.Trivikram Bar and Restaurant at premises bearing 1-56, Pula Bazar, Kurnool, with effect from 31-3-2005 subject to payment of licence fee within 15 days.

It is submitted that since the petitioner fell sick due to jaundice, he could not pay the licence fee within the time stipulated. Though the petitioner submitted several representations to the respondents on 13-1-2005, 27.2.2005 and 21-3-2005 requesting to extend the time for payment of licence fee, the respondents did not pass any orders on the representation.

Heard learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise.

Having regard to the facts and circumstances of the case, two weeks time is granted to the petitioner to pay the licence fee. Thereafter, the respondents are directed to consider the said licence fee and pass appropriate orders in accordance with law.

With the above directions, the Writ Petition is disposed of accordingly. No costs.

Elipe Dharma Rao, J.

19th April, 2005

Note: CC in 2 days.

B/o

Js.

To

1 The Prohibition and Excise, Superintendent, Kurnool.
2 The Commissioner of Prohibition and Excise, Hyderabad.

3 Two CCs to G.P. for Prohibition and Excise, High Court

Buildings, Hyderabad.

4 2 CD copies.